

UNITED STATES DISTRICT COURT

for the

District of Oregon

United States of America

v.

Michael Serapis FREEMAN and
Michelle Lee FREEMAN*Defendant(s)*

Case No.

FILED 4 SEP '12 16:42 USDC-ORP

'12-MJ-139

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 1, 2010 - June 27, 2012 in the county of _____ in the
_____ District of Oregon, the defendant(s) violated:*Code Section**Offense Description*18 U.S.C. §§ 2251(a), 2251(b) and
2251(e)Sexual Exploitation of Children (Production of Child
Pornography)

This criminal complaint is based on these facts:

See attached affidavit of Special Agent Mark V. Inman, which is attached and incorporated fully by reference.

☒ Continued on the attached sheet.*Complainant's signature*

Special Agent Mark V. Inman

Printed name and title

Sworn to before me and signed in my presence.

Date: September 4, 2012*Judge's signature*City and state: Portland, Oregon

Honorable John V. Acosta, U.S. Magistrate Judge

Printed name and title

STATE OF OREGON)

)

AFFIDAVIT OF MARK V. INMAN

County of Multnomah)

I, Special Agent Mark V. Inman, being duly sworn under oath, do hereby depose and state as follows:

1. I am a Special Agent (SA) with the Department of Homeland Security, Homeland Security Investigations (HSI). I have been so employed since March of 2003 and have been employed as a law enforcement officer/agent for the past 25 years. I am currently assigned to the Child Exploitation Investigations Unit to the HSI office in Portland, Oregon. As part of my duties as an HSI agent, I investigate criminal violations relating to the exploitation of children including violations pertaining to the production and distribution of child pornography in violation of the United States Code. I have gained experience through training and everyday work relating to these types of investigations. The information set forth in this affidavit is derived from my own investigation, as well as from information obtained from other law enforcement officers. I have not included each and every fact known to me concerning the investigation. I have set forth only those facts necessary to establish probable cause.

2. As a federal agent, I am authorized to investigate violations of United States laws, and to execute warrants issued under the authority of the United States.

3. I am investigating a case involving the sexual exploitation of children, specifically the production of child pornography, in violation of Title 18, United States Code, Sections 2251(a), 2251(b) and 2251(e).

4. This case is made in support of a criminal complaint to charge Michael Serapis FREEMAN, date of birth June XX, 1973, and Michelle Lee FREEMAN date of birth October XX, 1971 with violations of Title 18, United States Code, Sections 2251(a), 2251(b) and 2251(e).

5. This case was referred to me on September 4, 2012, from the HSI Victim Identification Program (VIP) located in Virginia. On August 7, 2012, HSI SA James Cole, of HSI VIP, obtained a federal arrest warrant out of the United States District Court, District of Columbia for "Jane Doe." That criminal complaint and supporting affidavit is attached as Government Exhibit 1 and is fully incorporated herein. On or about August 7, 2012, the HSI VIP sent out a nationwide alert/press release seeking assistance in identifying "Jane Doe" and the pictures and victims associated with her.

6. On September 4, 2012, HSI received multiple tips that Jane Doe was in fact Michelle Lee FREEMAN. On the morning of September 4, 2012, HSI Special Agent Erin Burke also received a call from the Salem Police Department telling her that Michelle Lee FREEMAN and Michael Serapis FREEMAN had called the police and told them that Michelle Lee FREEMAN was wanted by federal authorities and they were willing to turn themselves in to the police. The Salem police responded to the FREEMAN's residence and waited for federal agents to arrive. The FREEMAN's were residing at 4754 Ravine Ct. NE, Salem, Oregon.

7. On September 4, 2012, SA Erin Burke and I interviewed Michael Serapis FREEMAN at his residence, 4754 Ravine Ct. NE, Salem, Oregon. I advised Michael Serapis FREEMAN of his *Miranda* rights. Michael Serapis FREEMAN stated that he understood his rights and was willing to talk without a lawyer present but that he would be retaining a lawyer in the future. Michael

Serapis FREEMAN told me the following:

- Michael Serapis FREEMAN stated that he received a message from a friend at approximately 10:33 pm (09/03/12) that his wife had been identified in a photo. Michael Serapis FREEMAN looked at the picture and identified his wife, who was referred to as "Jane Doe" in Special Agent Cole's affidavit, as being in the picture. Michael Serapis FREEMAN stated that it was a picture he was familiar with.
- Michael Serapis FREEMAN stated that he was in a "bad place." He admitted to taking nude photos and videos of his daughter (age 9), herein referred to as V1, performing sexual acts. His other daughter (age 6), herein referred to as V2, was also present while he was doing so.
- Michael Serapis FREEMAN traded the nude photos and videos of V1 with "Timm" on website "imgsru.ru". Michael Serapis FREEMAN received from "Timm" images of 6 to 9 year old girls performing oral sex on an adult male. Michael Serapis FREEMAN said he traded images and videos with "Timm" for approximately 1 month.
- Michael Serapis FREEMAN said that the nude photographs he took were of V1 performing oral sex on him and of his wife (Michelle Lee Freeman) engaging in sexual intercourse with him. V1 was present during the sexual intercourse but Michael Serapis FREEMAN couldn't remember the role V1 played.
- Michael Serapis FREEMAN admitted that he told his wife he had touched V1 and that V1 had touched him. It was shortly after that when Michael Serapis FREEMAN started taking videos and photos of V1. Michael Serapis FREEMAN stated, "I started it. Somehow she (Michelle Lee Freeman) got involved." Michael Serapis FREEMAN stated that Michelle Lee FREEMAN was involved in actual touching of V1 in 3 or 4 of the videos.
- Michael Serapis FREEMAN stated that nothing was forced, no bondage, no pain, and no crying. Michael Serapis FREEMAN stated that all he did with V1 was touching and oral sex.
- Michael Serapis FREEMAN stated that he made all the videos inside their Master Bedroom of their house in Salem, Oregon.
- Michael Serapis FREEMAN also confirmed that V1 and V2 are both his and Michelle Lee FREEMAN's children.

8. After I was done talking with Michael Serapis FREEMAN, he continued talking with Special Agent Erin Burke and Special Agent Josh Findley. Michael Serapis FREEMAN told

Special Agent Findley that his wife, Michelle Lee FREEMAN, might have held the camera when the videos of sexually explicit conduct were recorded. Michael Serapis FREEMAN was shown two photographs of the white male who was discussed in Special Agent James Cole's affidavit, one of the white male's stomach and the other of his hand. Michael Serapis FREEMAN confirmed that he was the adult white male depicted in those photographs.

8. I know in talking with Special Agent James Cole that the pictures and videos showing Michael Lee FREEMAN engaged in sexually explicit conduct with V1 appear to have been taken by another person. I also know in talking with Special Agent James Cole that the person he knew as "Jane Doe," which I can confirm is Michelle Lee FREEMAN based upon her pictures that were attached to Agent Cole's original affidavit and seeing her in person, appears in several photographs in which she is "posing" with V1 and V2 while someone else then takes the sexually explicit pictures of them. I can confirm, based upon my discussions with other agents, that the FREEMAN's two daughters are V1 and V2 and that they are both under the age of 10.

9. I also advised Michelle Lee FREEMAN of her *Miranda* rights. She also acknowledged understanding her rights. Michelle Lee FREEMAN confirmed that both V1 and V2 were her children. When we started to talk about details of the exploitation of her children Michelle Lee FREEMAN declined to speak anymore with us.

10. I know, in speaking with Special Agent James Cole that the images taken in this case were produced with a camera manufactured outside of the District of Oregon and the images have been transported in interstate commerce via the Internet.

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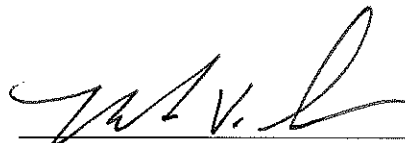
CONCLUSION

11. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Michael Serapis FREEMAN and Michelle Lee FREEMAN have engaged in the Sexual Exploitation of a Child (Production of Child Pornography), in violation of Title 18, United States Code, Sections 2251(a), 2251(b) and 2251(e), by:

- Employing, using, persuading, inducing, enticing, and coercing a minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct knowing or having reason to know that such visual depictions will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate commerce; or, where such visual depictions have actually been transported or transmitted in or affecting interstate or foreign commerce; and,
- Being a parent, legal guardian or person having custody or control of a minor and knowingly permitting such minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct knowing or having reason to know that such visual depictions will be transported or transmitted using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce; produced or transmitted using materials that have been mailed, shipped or transported in or affecting interstate commerce; or, where such visual depictions have actually been transported or transmitted in or affecting interstate or foreign commerce.

12. Assistant United States Attorney Scott M. Kerin has reviewed this affidavit and has told me that, in his opinion, it is legally and factually sufficient.

13. In consideration of the foregoing, I respectfully request that this court issue an arrest warrant for both Michael Serapis FREEMAN and Michelle Lee FREEMAN.



Mark V. Inman, Special Agent
Homeland Security Investigations

Subscribed and sworn to before me this 4th day of September, 2012.



Honorable John V. Acosta
U.S. Magistrate Court Judge

Government Exhibit 1

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America

v.

JANE DOE, white female, 25-35 years, medium
build, black hair, blue eyes, large mole on back of
left thigh

Defendant(s)

Case: 1:12-mj-00667

Assigned To : Magistrate Judge Alan Kay

Assign. Date : 8/07/2012

Description: Criminal Complaint And Arrest Warrant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Feb 1, 2010 - June 27, 2012 in the county of _____ in theDistrict of Columbia, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. 2251(a)	Sexual Exploitation of Children
18 U.S.C. 2251(e)	Conspiracy to Engage in the Sexual Exploitation of Children

This criminal complaint is based on these facts:

See attached statement of facts

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

AUG - 7 2012

City and state:

District of Columbia


Complainant's signature

James D. Cole, Special Agent

Printed name and title



Judge's signature

ALAN KAY
U.S. MAGISTRATE JUDGE

Printed name and title



Statement of Facts in Support of Complaint/Arrest Warrant

1. I am a Special Agent (SA) with the Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been so employed since March of 2003 and have been employed as a law enforcement officer/agent for the past 18 years. I am currently assigned to the Child Exploitation Investigations Unit at the ICE HSI Cyber Crimes Center as the National Program Manager for Victim Identification. As part of my duties as an HSI agent and National Program Manager for Victim Identification, I investigate criminal violations relating to the exploitation of children including violations pertaining to the production and distribution of child pornography in violation of the United States Code. I have gained experience through training and everyday work relating to these types of investigations. The information set forth in this affidavit is derived from my own investigation, as well as from information obtained from other law enforcement officers. I have not included each and every fact known to me concerning the investigation. I have set forth only those facts necessary to establish probable cause.

2. As a federal agent, I am authorized to investigate violations of United States laws, and to execute warrants issued under the authority of the United States.

3. I am investigating a case of sexual exploitation of a child, specifically the production of child pornography in violation of 18 U.S.C. § 2251(a) and conspiracy to produce child pornography in violation of 18 U.S.C. § 2251(e).

4. On June 23, 2011, HSI Los Angeles, California executed a Federal search warrant concerning the Advertisement, Possession and Receipt of Child Pornography. Pursuant to the search warrant digital media was seized and analyzed by a computer forensic examiner. As a result of the examination numerous images and videos of children engaged in sexually explicit conduct were discovered. The material was submitted to the National Center for Missing and Exploited Children¹ (NCMEC), Child Victim Identification Program (CVIP) to be checked against the Child Recognition and Identification System (CRIS). As a result of the review NCMEC determined that the submission included 97 image files which appear to depict an unidentified victim of child sexual exploitation as described below:

Of the 97 images, 87 of them depict a female prepubescent child, hereinafter referred to as Victim 1 (V1). The other 10 images depict V1 and another female prepubescent child, hereinafter referred to as Victim 2 (V2). Both V1 and V2 are prepubescent minor females who lack post-secondary sexual characteristics including hip, breast and pubic hair development. I would estimate V1 to be between the ages of five and seven years old and V2 to be between the ages of three and five at the time of the depictions.

¹ NCMEC is a national clearing house for child sexual exploitation material and law enforcement agencies across the United States submit material discovered as the result of investigations to NCMEC for CRIS review in order to determine whether victims depicted in material discovered as the result of investigations have been identified and rescued or not.

- V1 is depicted in various states of dress and undress. Of the 87 images which depict V1 alone, 16 of them depict V1 in a lewd and lascivious display of the genitalia. These include images of V1 with her legs spread open exposing her vagina. One of the images depicts a close up of what appears to be V1's vagina being spread open with her fingers.
- Four of the images depict V1 holding a white piece of paper with writing. In two of the images the paper has the words "I like Timmy" written on it. In the other two images the paper has the words and drawing of a heart "I [heart] Timmy." In one of the images while holding the sign "I [heart] Timmy" V1 is pulling aside her underwear to expose her vagina.

5. On June 27, 2012, NCMEC CVIP received material submitted by the Federal Bureau of Investigation which had been discovered on seized media from a child pornography investigation conducted in Colorado. NCMEC CVIP discovered over 200 images and two videos within the submitted material depicting the same children (V1 and V2) as in the material submitted by HSI Los Angeles. Several of the images submitted by the FBI were the same as images submitted by HSI, however, several new images and the videos were discovered:

- Nine images depict V1 and V2 being sexually abused by an adult male subject. The images have been technically manipulated in order to remove the adult male's face from images where his face would have been visible.
- One of the images depicts a naked V2 sitting in the lap of the adult male subject, who is also nude. V2 is sitting on the right leg of the adult male subject with her left leg touching the genital area of the adult male while V1 (also nude) is sitting on the left leg of the adult male subject. The image has been technically manipulated to obscure the background.
- In three of the images V1 is sitting on the adult male subject's lap with her vagina directly in contact with the adult male subject's penis. In two of those images V1 is using her fingers to spread her labia open. The images have been technically manipulated in order to obscure the background.
- In two of the images V1 is sitting on the floor in front of the adult male subject who is sitting in a chair. V1 is using her right hand to grasp the penis of the adult male subject. In the second of the two images, V1's mouth is wide open and appears to be about to orally copulate the adult male subject.
- Several images depict V1 and V2 with an adult female, hereafter referred to as "Jane DOE." In the images Jane DOE is posing with the children in the nude. Some images depict Jane DOE, V1, and V2 lying on their backs with their legs partially spread exposing their genitalia. Other images depict Jane DOE, V1, and V2 bent over facing away from the camera with their buttocks in the air. The genitalia and anus of Jane DOE, V1, and V2 are exposed.

- The movie file Mv0001 is approximately 1 minute 11 seconds in length and depicts V1 orally copulating the adult male subject. The adult male subject gives V1 instructions, such as "Go faster please." V1 stops orally copulating the adult male subject and begins to masturbate him with her hand. The adult male subject asks V1 if she wants him to "do it" while she puts her mouth on his penis. The adult male then uses his left hand to place V1's head where he wants it while he masturbates with his right. V1 then states "I don't want it in my mouth." The video ends shortly after.
- The movie file Mv0002 is approximately 43 seconds in length and depicts the adult male subject straddled across the chest of V1. V1 is lying on her back with her face up and the adult male subject is straddling V1 so that his penis is directly over her mouth. The adult male subject is masturbating himself. The adult male subject tells V1 to open her mouth, which she does to a very limited extent. The adult male subject then tells V1 "Open your mouth more, it won't hurt you if a little gets in there." The adult male then masturbates himself and ejaculates on V1's face.

6. The "Jane DOE" depicted in the images described above is described as a Caucasian adult female, 25 – 35 years in age, with a medium build. Jane DOE has black to dark brown hair with blue eyes. In addition, Jane DOE has a large mole on the back of her left thigh. See Attachment A incorporated herein by reference for depictions of "Jane DOE."

7. The digital images described above contain Exchangeable Image File Format (Exif) data or "metadata" embedded in the file itself by the recording device or camera. Exif data can include the date in which the digital image was created. The Exif data for several of the images have created dates in February 2010.

8. The images and video depict a home which appears to be of typical North American construction found in several areas of the United States. A review of the material determined the residence has standard North American electrical switches. In the background of several of the images SA Cole noted two US Army issue duffle bags, a US Army issue poncho liner, and US Army issue desert boots. Several items with English writing are also depicted in numerous images including: A cardboard box with the word "Sunkist," a mattress with "Serta Perfect Sleeper" written across it, the book "Animal Tracking Basics" by John Young and Tiffany Morgan is on a nightstand. In addition, the adult male subject and V1 are speaking English with no discernible accent in the video files.

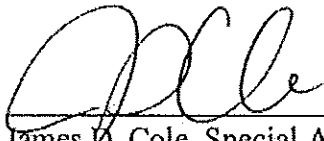
9. This Court has jurisdiction over the offense under investigation pursuant to 18 U.S.C. § 3238, which provides, in relevant part, that jurisdiction for "[t]he trial of all offenses begun or committed . . . out of the jurisdiction of any particular State or district, shall be in the district in which the offender . . . is arrested or is first brought; but if such offender . . . [is] not so arrested or brought into any district, an indictment or information may be filed in the district of the last known residence of the offender . . . , or if no such residence is known the indictment or information may be filed in the District of Columbia." In this case, the child pornography material described above was transported in interstate commerce, in violation of 18 U.S.C. 2251(a); therefore, the offense was "committed outside the jurisdiction of any particular State or

district." In addition, the identity of the defendant is not known and, therefore, no last residence of the offender is known. As such, this Court has jurisdiction over the offense under investigation.

CONCLUSION

10. Based on the information set forth in this affidavit, I submit that there is probable cause to believe that Jane DOE has produced child pornography or conspired to do so in violation of Title 18, United States Code (U.S.C.), §§ 2251(a) and 2251(e) .

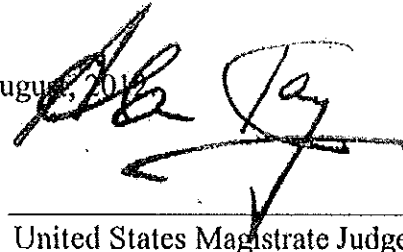
11. In consideration of the foregoing, I respectfully request that this court issue an arrest warrant for Jane DOE, described and depicted in Attachment A.



James D. Cole, Special Agent
US Immigration and Customs Enforcement

AUG - 7 2012

Subscribed and sworn to before me this _____ day of August, 2012



United States Magistrate Judge

ALAN KAY
U.S. MAGISTRATE JUDGE

ATTACHMENT A

The "Jane DOE" depicted in the images described above is described as a Caucasian adult female, 25 – 35 years in age, with a medium build. Jane DOE has black to dark brown hair with blue eyes. In addition, Jane DOE has a large mole on the back of her left thigh.



AO 442 (Rev. 11/11) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

District of Columbia

United States of America
v.JANE DOE, white female, 25-35 years, medium build,
black hair, blue eyes, large mole on back of left thigh*Defendant*

Case: 1:12-mj-00667

Assigned To : Magistrate Judge Alan Kay

Assign. Date : 8/07/2012

Description: Criminal Complaint And Arrest Warrant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

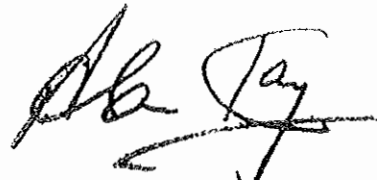
(name of person to be arrested) JANE DOE, described in caption above,

who is accused of an offense or violation based on the following document filed with the court:

☐ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☒ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Violation of 18 U.S.C. Sections 2251(a) and (e), Sexual Exploitation of Children and Conspiracy.

Date: AUG - 7 2012City and state: Washington, D.C.

*Issuing officer's signature*ALAN KAY
U.S. MAGISTRATE JUDGE*Printed name and title*

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

*Arresting officer's signature**Printed name and title*

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